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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/443,293	11/19/1999	SATOSHI EJIMA	104776	7003
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EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER

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14

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Commissioner for Patents

Office Action Summary

Application No.

09/443,293

Applicant(s)

EJIMA ET AL.

Examiner

Stephen M Brinich

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Zador.

Re claim 22, Zador discloses (Abstract; column 25, line 11 - column 26, line 59, particularly column 25, lines 26-59 and column 26, lines 20-28) an image processor in which an image compression device acts to compress image data, a plurality of sets of image data (the levels of an image tree) are continuously obtained and evaluated according to an acceptability criterion (e.g. Mean Squared Error) and post-compression data quantity, and the selected data is recorded.

Re claims 23-24, Zador discloses (column 26, lines 20-28) the use of additional processing to produce a different set of compressed data if a given set of compressed data is found to exceed an allowable range of post-compressed data according to a determined data selection parameter (the bit plane at which the allowable size range is exceeded).

Response to Arguments

3. Applicant's arguments filed 04 May 2004 have been fully considered but they are not persuasive.

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Re claim 22 (and dependent claims 23-24), Applicant argues (Paper #12: page 5, line 19 - page 6, line 2) that Zador does not disclose "a plurality of sets of image data obtained through continuous image-capturing", but rather discloses a plurality of elements (wavelet transformations and bit planes) derived from one set of image data.

However, the recited "plurality of sets of image data" do not appear to be limited in a way that precludes them from being read upon a set of elements derived from one original set of image data, so long as the individual elements are each readable as "image data" (i.e. data related to or describing an image).

Concerning the recitation of "continuous image-capturing" to obtain the "plurality of sets of image data", Zador discloses (column 26, lines 10-14) a repeating process through which the image data (wavelet transformations and bit planes) are obtained.

Re claim 22 (and dependent claims 23-24), Applicant argues (Paper #12: page 5, line 23 - page 6, line 5) that Zador does not disclose an acceptability evaluation upon each of a plurality of sets of image data.

However, Zador discloses (column 25, lines 22-24) that mean squared error evaluation is performed upon each of a plurality of sets of image data (bit planes).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

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Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich
Examiner
Art Unit 2624

smb *smb*
July 13, 2004



THOMAS R
~~LEE~~ LEE
PRIMARY EXAMINER